

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 22, 1998

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J., Dunn, J.
(Assigned), and Connie Hon, Deputy Clerk.

Each of the following:

B110942 County of Los Angeles v. Sandra B.
B119055 Kurban v. LAUSD

Argument waived, cause submitted.

B098943 Century City Medical Plaza
 v.
 Physicians Clinical Laboratory, Inc.

Merits:
Argued by Steven J. Revitz for appellant and by Adam Siegler for
respondent. Cause submitted.

B106596 Appel
 v.
 Joffe, et al.

Merits:
Argued by Charles Zinger for appellants and by Rodney T. Lewin for
respondent. Cause submitted.

DIVISION ONE (Continued)

B113227 Gonzalez
 v.
 Reaver, et al.

Merits:
Argued by Donald W. Cook for appellant and by Steven J. Renick for
respondents. Cause submitted.

B113995 Neyer
 v.
 First Federal Bank of California

Merits:
Argued by Robert S. Scuderi for appellant and by Victor R. Berwin for
respondent. Cause submitted.

B115571 Schiffman, et al.
 v.
 Stockwell, Harris, Anderson & Widom, et al.

Merits:
Argued by Joseph Lange for appellants and by Mary C. M. Bohen for
respondents and by Daniel S. Alderman for respondents. Cause submitted.

B115337 Brown
 v.
 Copley Press, Inc.

Merits:
Argued by Peter I. Bersin for appellant and by William V. Whelan for
respondent. Cause submitted.

DIVISION ONE (Continued)

B120691 City of Long Beach
 v.
 Superior Court of Los Angeles County
 (Exxon Corporation, r.p.i.)

Merits:

Argued by Robert C. Bonner for petitioner and by David A. Destino for real party in interest. Cause submitted.

B112593 Bayati
 v.
 County of Los Angeles, et al.

Merits:

Argued by Steven J. Rottman for appellant and by Calvin House for respondents. Cause submitted.

B104741 MCI Telecommunications Corporation
 v.
 Albert J. Galen, as executive , etc.

Merits:

Argued by Henry K. Workman for appellant and by Mark Riera for respondent. Cause submitted.

B105645 Village Properties
 v.
 Santa Monica Mountains Conservancy, et al.

Merits:

Argued by Alan Hager for appellants and by Brian C. Lysaght and Kenneth K. Howell for respondents. Cause submitted.

DIVISION ONE (Continued)

B113553 Hornwood, et al.
 v.
 City of Beverly Hills

Merits:

Argued by Lana Borsook for appellants and by Saskia T. Asamura for respondents. Cause submitted.

Presiding Justice Spencer and Judge Dunn (assigned) leave the bench.

B112208 Rhee, et al.
 v.
 Department of Industrial Relations

Merits:

Argued by Ira Reiner and Tod V. Beebe for appellants and by Barbara Ferguson for respondent. Cause submitted.

B115304 Borstein Enterprises, et al.
 v.
 Farmers and Merchants Bank of Long Beach

Merits:

Argued by Perry D. Mocciaro for appellants and by Leonard P. Baum for respondent. Cause submitted.

B115423 Cheyanna, a minor, etc.
 v.
 A. C. Nielsen Company, et al.

Merits:

Argued by Roland Wrinkle for appellant and by Steven C. Glickman and Michael M. Bergfeld for respondents. Letter brief requested. Submission deferred to August 19, 1998.

Court adjourned.

DIVISION TWO

B114994 People (Not for Publication)
v.
Jordan

The Court:

The judgment is modified to provide that the sentence on count 2 is stayed pending completion of the sentence on count 1, with the stay to become permanent upon the completion of that sentence, and that the sentence on count 4 is stayed pending completion of the sentence on count 3, with the stay to become permanent upon the completion of that sentence. In all other respects, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting this modification and to send a certified copy of the amended abstract of judgment to the Department of Corrections.

Boren, P.J., Fukuto, J., Zebrowski, J.

DIVISION FOUR

B104588 Baker & Grant (Not for Publication)
v.
Southern California IBEW-NECA Pension Plan

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B118843 Barrenda L. & Shiffon B. (Certified for Publication)
 v.
 S.C.L.A.
 County of Los Angeles

We conclude that in both motions real parties failed to carry their burden of proof to establish that the information sought is directly relevant to overcome the constitutional right of privacy. Accordingly, a peremptory writ of mandate shall issue directing the trial court to vacate its orders of December 9, 1997, and April 13, 1998, each granting the relief sought, and instead issue new orders denying the relief sought. Costs are awarded to petitioners.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B109844 People (Not for Publication)
 v.
 Canady

The judgment is reversed and the matter is remanded for a new trial on the truth of the two serious felony prior allegations in accordance with the views expressed in this opinion. In all other respects, the judgment is affirmed.

Cooper (F.M.), J. (Assigned)

We concur: Epstein, Acting P.J.
 Hastings, J.

DIVISION FOUR (Continued)

[illegible]

The Court:

For the foregoing reasons, the sentence is vacated and the matter remanded for resentencing. In all other respects, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B116600 People v. Gallardo (Not for Publication)

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B115970 People (Not for Publication)
v.
Owens

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

DIVISION FOUR (Continued)

[illegible]

The Court:

For the foregoing reasons, the judgment is modified to add a restitution fine, pursuant to Penal Code section 1202.4, subdivision (b)(1), in the sum of \$200. As modified the judgment is affirmed. The trial court is directed to prepare an amended abstract consistent with this opinion and forward it to the Department of Corrections.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

[illegible]

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B111861 People
v.
Perez et al.

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment.)

DIVISION FIVE

B107594 John M. Norton (Not for Publication)

v.
Forrest G. Quinn

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

B119374 People (Not for Publication)

v.
Lamar Calloway

The judgment is modified to impose a \$200 restitution fine pursuant to Penal Code section 1202.45, which fine shall be suspended unless defendant's parole is revoked. In all other respects, the judgment is affirmed. On remand, the clerk of the superior court shall prepare and deliver to the Department of Corrections an amended abstract of judgment reflecting the judgment as modified, and that includes all restitution fines.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

B114671 Dierik Pratts (Not for Publication)

v.
Office of Administrative Hearings et al.

The judgment is reversed.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

DIVISION FIVE (Continued)

B114372 People (Not for Publication)

V.

Raymond Spruell

The clerk is directed to modify the abstract of judgment to reflect 321 days of presentence custody credit, consisting of 215 days actual credit and 106 days good time/work time, and, as modified, the judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B115232 People (Not for Publication)

V.

Steve Mendoza Silvas

The judgment is modified to reflect defendant has been fined in the sum of \$1,000 pursuant to Penal Code section 1202.45. The superior court clerk is ordered upon issuance of the remittitur to prepare an amended abstract of judgment which reflects all fines imposed and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B114563 Nemeck & Cole, a Professional Corporation (Not for Publication)

V.

Theodore N. Bodnar

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION FIVE (Continued)

B114735 People (Not for Publication)
v.
Alexander Taran

The judgment is modified to reflect the imposition of a \$200 Penal Code section 1202.45 restitution fine. Thereafter, the superior court clerk is to file an amended abstract of judgment which fully reflects all of the fines. The reference to the fines is to be in addition to all of the matters currently appearing on the abstract of judgment including the consecutive six-month county jail term. In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B121404 Cornelius J. (Not for Publication)
v.
Superior Court, Los Angeles County
(L.A. County Department of Children and Family Services, r.p.i.)

The petition is denied.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

B115482 People (Not for Publication)
v.
Shannon Smith

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

July 22, 1998-Continued

DIVISION FIVE (Continued)

B114870 People (Not for Publication)

V.

Tommy L. Mitchell, et al.

Murray's conviction for a violation of section 12094 is reversed, and the charge is dismissed. The judgments are in all other respects affirmed.

Armstrong, J.

We concur: Turner, P.J.

Godoy Perez, J.

B111772 People

V.

Michael Joseph Potter

Filed order denying petition for rehearing.

DIVISION SIX

B109057 Chapple (Not for Publication)

V.

Chapple

The judgment is affirmed. Costs and fees to respondent.

Stone, P.J.

We concur: Gilbert, J.

Coffee, J.

July 22, 1998-Continued

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B112369 **Songer** (Not for Publication)
v.
Wendt, Mitchell, Sinsheimer, De La Motte & Lilley

The order of the trial court is affirmed. Costs on appeal are awarded to respondents.

Coffee, J.

We concur: Stone, P.J.
Yegan, J.

B116107 Aguilera (Not for Publication)
v.
Bouvet

The order of the trial court is affirmed. The parties shall bear their own costs in this appeal.

Coffee, J.

We concur: Stone, P.J.
Yegan, J.

DIVISION SEVEN

B113198 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B106302 Los Amigos de Caballero Canyon (Not for Publication)
v.
Santa Monica Mountains Conservancy

The judgment is affirmed. Respondent is entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B115553 Gavin (Not for Publication)
v.
Kamps
Matter of Linden H. Chandler Trust

The order denying the petition in its entirety, finding the debt to be barred by the statute of limitations and instructing and directing the trustee to make no payments to Gavin, is reversed. Appellant to receive costs on appeal.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B119189 Citibank, F.S.B. (Not for Publication)
 v.
 Boren

The order is affirmed. Respondent is entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B112141 National Union Fire Insurance Company (Not for Publication)
 v.
 Fowler

The principal sum of judgment is reduced from \$900,000 to \$899,312 and judgment is affirmed as modified, except as to interest awarded for the periods prior to December 10, 1993, and subsequent to May 23, 1995. The case is remanded to the trial court to enter a new judgment which awards interest consistent with this opinion. Each side shall bear its own costs on appeal.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B111895 Reynaldo S. (Not for Publication)
 v.
 Los Angeles County, D.C.S.
 In re Lelani P., a minor

The order of the trial court granting de facto parent status is reversed.

Neal, J.

I concur: Lillie, P.J.
I dissent: Woods, J. (Opinion)